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TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
August 16, 2005**

Present: Commissioners Lythgoe and Notbohm; Harold Stepper, County Planner; Ben Sautter, Road Supervisor; Tom Gustin, Comdata Corp.; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Jackie Colombe, Dennis Dickenson, W.J. Dolan, Ken Vivrette, Joe Triem, Greg DeWitt, Katherine Donnelly, Robert Padmos, Rick Langguth, Joan Higgins-Smith, Susan Emery, Debby Dils, Janet Brooke, Doyle Honea, Alberta Honea, Jeremy Vivrette, Carl Bergstrom, Elizabeth Bergstrom, Barb Penison, Nicole Todorovich, Marilyn McCauley, Frank Mayo, Ed Caissey, Ron Pearson, Vicki Caissey

Absent: Commissioner Weber

REPORTS

Receipt of Clerk and Recorder July fees report.

Grant paperwork has been received for the infrastructure study. This grant requires a \$12,000 match, which the Commission agreed to several months ago. The grant documents were signed.

Grant paperwork has also been received for a TSEP grant. This grant requires a \$15,000 match, which the Commission agreed to several months ago. This grant will evaluate Jefferson County's bridge system and provide preliminary engineering. The grant documents were signed.

CALENDAR REVIEW

8/16 9-1-1 meeting - 7:00
8/17 CTAC - Whitehall - 8:00
8/18 Discuss possible expansion - 9:00
Meet with JLDC regarding grantwriter - 3:00
MTAG - 5:00

SUBDIVISION REVIEW

PRELIMINARY PLAT APPROVAL - MONTANA CITY RANCHES COMMERCIAL

Harold Stepper, County Planner, presented his staff report. He stated that per the conditions of approval, the roads within the subdivision will be paved. The conditions of approval also provide for landscaping. He recommended that preliminary plat approval be granted.

Commissioner Lythgoe asked if there is anything in the conditions of approval that requires signing. Harold stated that this is dealt with in the zoning regulations. Commissioner Notbohm asked at what point in time will they see something on the landscaping agreement. Harold answered at the point when the subdivision is divided up. At this time, they have no idea of what is going in, and it makes no sense to do the landscaping before they know what type of business or building will be going in. The county will have to watch this. Commissioner Notbohm questioned if this should be the responsibility of the developer. Harold stated that it is his responsibility as zoning administrator. Commissioner Notbohm stated that he would like to see this bonded; Harold has enough to do. Ken Vivrette stated that something can be put in the covenants and there can also be an architectural review committee. Commissioner Notbohm stated that he feels something needs to be in the preliminary plat approval and reports made to the Commission. Ken stated that they can do that. Commissioner Lythgoe asked Harold how he would respond to Commissioner Notbohm's concerns. Harold stated that it is really difficult with landscaping deals, especially when they have no idea what businesses are going in. Ken's suggestion of an architectural review is probably the best. Harold noted that he is also in the area a lot, and it doesn't take a lot of his time to review. Commissioner Lythgoe asked if it is appropriate that the seating of an architectural review committee be added to the conditions of approval. Harold stated that it would be. Commissioner Lythgoe moved that, with that change, preliminary plat approval be granted. Commissioner Notbohm seconded. The motion carried.

PRELIMINARY PLAT APPROVAL - AMENDED LOT 2-A WIMMER MINOR

Harold presented his staff report and noted that this is a subsequent subdivision, so will be under major criteria. The findings of fact are standard. Condition of approval #14 calls for cash-in-lieu of an on-site water supply. Harold recommended that preliminary plat approval be granted. Commissioner Lythgoe moved to grant preliminary plat approval. Commissioner Notbohm seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

TOM GUSTIN - COMDATA - REGARDING COUNTY CREDIT CARD

Tom Gustin with Comdata, came to discuss options for controlled purchase cards for Jefferson County. Commissioner Lythgoe stated that what the Commission doesn't want is a bunch of credit cards. They have run into problems with employees needing a credit card to make hotel, airline and/or car rental reservations. They have been looking into a credit card, but all want one person's personal social security number as a guarantor, rather than using the county's tax ID number. Tom stated that these cards would be tied to the county's credit, and differs from a consumer credit card. The County can control the number, amount and type of transactions per day, week or month; there are various controls available. Commissioner Lythgoe asked if the

county can have one credit card, to be kept with whoever, that could be handed to the sheriff, for instance, to make arrangements and then return the card. Tom stated that this is not the norm. Usually, a company will have one person per office, who can make arrangements. Its cleaner to do it this way. He also noted that cards can be activated or de-activated by going on-line. Commissioner Lythgoe stated that the next step will be Tom sitting down with Leslie and Bonnie to brainstorm options.

DISCUSS AND DECIDE ON SPEED LIMIT RECOMMENDATIONS FROM MDT ON SECONDARY 399 (WHITETAIL ROAD)

Commissioner Lythgoe stated that an initial speed study was done, which the residents of the road did not agree with. MDT agreed to do a supplemental study, and he is ready to accept that recommendation at this time. Commissioner Lythgoe moved to forward to MDT the Commission's concurrence with their recommendation as it relates to speed limits on Secondary 399. Commissioner Notbohm seconded. The motion carried.

RESOLUTION 27-2005 ADOPTION OF NATIONAL INCIDENT MANAGEMENT SYSTEM

Commissioner Lythgoe read the resolution as follows:

RESOLUTION 27-2005

**ADOPTION OF NATIONAL INCIDENT MANAGEMENT SYSTEM
JEFFERSON COUNTY, MONTANA**

WHEREAS, the President of the United States in Presidential Directive #5 has directed that the management of all disasters and emergencies be conducted using the National Incident Management System (NIMS); and

WHEREAS, Jefferson County, and its subdivision work in concert with Federal, State and Local agencies in the event of disasters and emergencies;

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Jefferson County, Montana, hereby adopts the National Incident Management System, dated February 28, 2003.

DATED this 16th day of August, 2005.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER

Commissioner Lythgoe moved to adopt the resolution. Commissioner Notbohm seconded. The motion carried.

DISCUSS MAINTENANCE LEVEL OF SOUTH HILLS ROAD AND HOLMES GULCH ROAD

Commissioner Lythgoe stated that he was asked to put this item on the agenda by homeowners on these roads that are concerned with the level of traffic on the roads. Both of these roads are county roads, but with a very low maintenance level. This means that unless there is some emergency, the county does no maintenance. One concern of the citizens is that the traffic count increases almost daily. They would like to see the maintenance level change, to where the county has some responsibility for maintenance. Also, with the South Helena interchange being a reality in the next year, it adds to the necessity for the county to look at maintenance. Commissioner Lythgoe called for comments.

Susan Emery stated that she has lived on South Hills Road for twelve years. She asked for clarification, noting that it was just the previous year that the county declared South Hills Road a county road for law enforcement purposes only. Commissioner Lythgoe agreed that this is true, but the County Attorney has said that by that action, the County is now responsible for the road. Sue noted that homeowner's dues are collected; are they still able to fix the road, or who is supposed to fix the road. Commissioner Lythgoe stated that this is one thing that needs to be discussed; some people are asking the County to take over. Sue stated that the problem is getting the members of the homeowner's association to pay their dues. She stated that for the first time this year, they didn't pay their dues, because they can get no minutes of meetings or treasurer's reports.

Joe Triem stated that he is a member of the South Hills Park homeowner's association. He would like to speak in support of the County taking over maintenance. Currently the homeowner's association maintain a part of the road, but it gets very heavy use. He presented a letter from Bob and Carolyn Zimmer, who are also in support of the County taking on maintenance.

Gordon ??? stated that he has been there for four years and it is just getting worse. The dust problem is a health hazard, and adds to the existing problems. He stated that he would like some answers today.

Greg DeWitt stated that he is the president of one of the homeowner's associations. He is also in

support of the county re-prioritizing the roads. Growth happens, and the coming frontage road and its impacts justify the need to take on this road.

Robert Padmos stated that he lives on Holmes Gulch. He stated that it has been projected that when they do connect to the frontage road, the ADT on the frontage road will rise to 5500 by 2025. He is in favor of the County taking care of the road.

Debby Dils stated that she was one of the first residents up there. She noted that the road is better than it was at first, due to the homeowner's associations. She stated that the County is responsible for the health, safety and welfare of its citizens, and they will be derelict they do nothing. She asked if South Hills and Holmes Gulch are considered gas tax roads.

Commissioner Lythgoe stated that they are. She noted that the homeowners pay taxes that go to the road department. Commissioner Lythgoe agreed, but stated that if people looked at their tax bill, they would see that very little of it goes to roads. Debby asked if the mill for roads is the same county-wide. Commissioner Lythgoe stated that it is, and the road department's budget is 15 mills. He stated that \$268,000 of the million-dollar budget comes from taxes. Debby asked if they have any idea of how many people use the road, or if a speed study has been done.

Commissioner Lythgoe stated he has no idea of the traffic count and the county is not set up to conduct a speed study. Commissioner Notbohm stated that Ben is looking into getting a traffic counter, so this might be a possibility in the future. Debby stated that she tried to do an informal count, and there are probably 100 homes out there, and people travel fast on that road.

Commissioner Notbohm stated that it is hard to set the speed limit any lower than 35 mph.

Debby noted that the road is currently posted at 25 mph. Commissioner Lythgoe stated that they need to take those signs down, as they are illegally posted. He stated that most of the road does not meet the criteria for a 25 mph zone.

Ken Vivrette stated that he didn't realize about the speed limit; the only thing going for that road is Mr. Pearson's efforts to get a 25 mph speed limit. He stated that every time any improvements are made to the road, the speeds increase. Breaking the road into little pieces for maintenance he initially thought was a good idea, but he is not so sure now. Ken stated that he knows where this is going; an increase in taxes, and asked if there were any estimates. He noted that Crossfire homeowner's association was doing a good job, but it has now fallen apart.

Ron Pearson stated that, as Ken indicated, he worked diligently to get the County to take the road for law enforcement purposes and to get a speed limit posted. He stated that he built a house for his grandchildren on that road. That road calls for lower speeds, noting that gravel roads don't hold up. Ron stated that this is a private road that is privately owned; the homeowners have the ability to set speed limits. If the County agrees to take on the maintenance of the road, then it will fall under statute. Ron stated that he understands that \$500,000 in tax base comes from the north end of the county; this is where the population has shifted. He said that the Commission needs to realize where the money comes from, where the population is. He stated that there is a road with four houses that is maintained. The Commission needs to look at where the money is coming from and spend it there. He urged the Commission to spend the money where it is collected. Ron stated that he has put thousands out of his own pocket to fix and maintain Quarry. Commissioner Notbohm stated that to answer one question, if the county spent only the money

collected in an area, everyone would really be up in arms.

Katherine Donnelly thanked the Commission for posting agendas and minutes on the internet. She stated that if the County decides to maintain upper Holmes Gulch, she would urge working with Helena.

Joan Higgins-Smith stated that she read an article in the *Independent Record* a couple weeks ago regarding road standards. It stated that when a road reached a certain ADT, the road will be paved. Commissioner Notbohm stated that this applies to new subdivisions.

Liz Burkstrom stated that the County has approved the expansion and growth that has made this the most populous area in the county. They have the highest population with the least maintenance, and this is not right. Her concern is not just with health issues from dust, but with emergency vehicles. She stated that under "frequently asked questions" on the county website, traffic and growth are factors considered for maintenance of a road. These roads should be considered, based on that criteria.

Janet Brooke stated that she attended a meeting in January or February, and it was said that there was going to be a planning session to look at road maintenance levels in the county. She asked if this has been done, and if so, if a listed is posted.

Dennis Dickenson stated that he uses both of these roads to get to his residence. He asked what is the next step to get something done.

Carl Bergstrom stated that he built his house nine years ago, thinking that someday there would be a road. He stated that every year he comes to pay his taxes or get plates, and he is told that it will be a county road. He would like to see a log of what is done every year. Carl stated that money will always be a problem; the county will need to find money.

Rick Langguth stated that liability and safety are high on his list. He know of three accidents in the past year, which happened due to washboards. In respect to speed limits, there are other things to take into consideration. Rick stated that about \$8,000 is spent per year on the road, and there is only about 40-percent participation. It would be good if the fee was bumped up to \$300/year and a maintenance district was formed.

Commissioner Lythgoe stated, to answer some of the questions, South Hills Road is not a private road; it is a County road with a very low maintenance level. As for the next step, this topic was put on the agenda to discuss at this meeting, and to discuss and decide on next week's agenda, although he is not sure if they will be able to make that decision then. His position is that the maintenance level needs to increase. He has lived on South Hills Road for thirteen years, and has seen the traffic increase. Most counties are saying no to new roads, but when you look at the growth, the Commission would not be doing its job in relation to health, safety and welfare if they didn't consider taking this on. This is the perfect time of year to consider this, before budgets are adopted. He stated that he needs to talk to Ben about what amount of money will be

needed. Again, this will be discussed the following week, and this was done to give people proper notice and opportunity to comment.

Commissioner Notbohm stated that they are all concerned with the condition of the road. The fact is they only have a certain amount in the road budget; if they increase work in one area, they will have to decrease in other areas. The biggest portion of the road budget is spent in the north end, but it is not enough.

Commissioner Lythgoe added that an infrastructure study is going to be done in the north end in the near future. This will address how to deal with growth, as it relates to roads. Having said that, he feels very strongly, even before the study is completed, that the Commission needs to deal with the maintenance level on South Hills and Holmes Gulch roads, due to the amount of traffic and the homeowner's associations inability to live up to their responsibility. They are making an effort, but it isn't enough. They don't need to wait for a study, we need to sit with Ben and make a decision.

Robert Padmos asked if there is any way to have an estimate for a RID. Commissioner Lythgoe stated that he doesn't think that can happen in the next week. He noted that if people want to pave those roads, they are looking at three to five million dollars. The reality is that the County is not going to be able to do that, and the residents are not going to be able to afford it either. If they are talking about a double chip-seal, that is a lot less money. He stated that the Road Department has been pretty successful with chip seal and double chip seal, but none of this is going to happen overnight. Snow plowing and road grading can happen fairly quickly, but any major improvement will be really difficult and costly, due to drainage issues, power lines and the width of the road.

Debby Dils asked if the County has any ability to help with dust abatement. Commissioner Lythgoe stated that the County has the ability to do something, but the problem is that this is a low maintenance road.

Carl Bergstrom stated that he has been told by the state that they have free crushed tar available. Commissioner Lythgoe stated that this refers to millings from highway reconstruction, and they aren't free, as there is a huge cost to put them down. Ron Pearson stated paving versus chip sealing - a hard surface is the key. Commissioner Lythgoe stated that the County doesn't have the money to do this, but the County will at some point come to the residents, ask for \$300/year plus-or-minus, and will be able to do something, if the voters approve it. Ron stated that he doesn't think that people would have a problem with paying this on their taxes, if they get a hard surface road. If the County can provide them with a vehicle that makes this easier, they would do it.

Commissioner Lythgoe thanked everyone for coming, noting that the Commission appreciates the comments.

MARILYN McCAULEY'S REQUEST TO RESTORE HISTORIC ROAD NAMES

The Commission, Marilyn McCauley and Garry Pace reviewed a map and discussed historic names that have been changed, causing some confusion. Marilyn stated that in 2001, there was an accident, and emergency responders came to their house, as they had no idea where to go. There was also another instance where someone was having a heart attack at the Quaintance Ranch, which is on Quaintance Lane. Emergency responders had no Quaintance Lane on their map, and it took them some time to find the house. Commissioner Notbohm asked when the names were changed. Marilyn stated that it was probably three or four years ago. Commissioner Lythgoe asked Garry to work with Lonnie to produce a better, more legible map and this will be put back on an agenda in a couple weeks.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER